

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA,

No. 1:24-CV-8-DAE

(lead case)

Plaintiff,

vs.

STATE OF TEXAS, GREG ABBOTT,  
*in his official capacity as Governor of*  
TEXAS, TEXAS DEPARTMENT OF  
PUBLIC SAFETY, and STEVEN C.  
MCCRAW, *in his official capacity as*  
*Director of Texas Department of Public*  
*Safety,*

### Defendants.

LAS AMERICAS IMMIGRANT  
ADVOCACY CENTER, AMERICAN  
GATEWAYS, and COUNTY OF EL  
PASO, TEXAS,

No. 1:23-CV-1537-DAE

(consol. case)

**Plaintiffs,**

VS.

STEVEN C. MCCRAW, *in his official capacity as Director of Texas Department of Public Safety*, and BILL D. HICKS, *in his official capacity as District Attorney for the 34th District*,

### Defendants.

AMICUS NOTICE THAT BILL D. HICKS IS NOT A LEGITIMATE PARTY

This Notice aims to highlight the deficiencies in Bill D. Hicks' appointment as the district attorney. Mr. Hicks is not a proper party due to not being properly appointed, sworn in, and installed as the 34th Judicial District Attorney, and therefore ineligible to represent the interests of the 34th Judicial District in the ongoing legal proceedings.

INTEREST OF THE AMICUS

We, Robert and Patricia Halliday, parents of Richard K. Halliday, known as 'the Vanessa Guillen First Absent Soldier,' hereby submit this Notice to the Court regarding the status of Bill Hicks as the 34th Judicial District Attorney. Our son Richard is a Fort Bliss whistleblower who went missing from his barracks room in El Paso, Texas in July 2020 and is presumed murdered. As concerned parties in a capital murder allegation involving our son, which falls under the jurisdiction of the 34th Judicial District, we have a vested interest in ensuring that the district attorney overseeing any potential criminal case is duly appointed and qualified.

SUMMARY OF ARGUMENT

Bill D. Hicks is not properly appointed, sworn in, and installed as the district attorney of the 34th Judicial District due to his failure to comply with Texas law and the state constitution. Texas Constitution, Article V, Section 21. Mr. Hicks failed to file a Statement of Officer prior to being sworn in as district attorney. Texas Government Code, Section 41.001. After an open records report requesting these documents was received by the Secretary of

State, the Secretary notified Bill Hicks that he did not have proper documentation on file. When this discrepancy was brought to light, Mr. Hicks attempted to cover it up by tampering with evidence and backdating documents to avoid detection. Texas Penal Code, Section 37.10. However, these actions were insufficient to rectify the error. Mr. Hicks was intended to be appointed when the Texas legislature was in recess, as a recess appointment, thus not requiring legislative approval. Due to his failure and delay in signing the Statement of Officer, the timestamp on the document would read a time when the Texas legislature was back in session. Consequently, he was no longer considered a recess appointment. His appointment had been rejected and could no longer be accepted. Now legislative approval would be needed, along with a resubmission of proper documentation, neither of which was performed. Bill D. Hicks and his attorney continue to perpetuate a fraud on the state by impersonating a state official. He is also taking funds from the drug seizure funds to pay for his attorney in this case.

EXHIBIT

Exhibit A: Reyes Mata Article -

[https://www.elpasoinc.com/news/local\\_news/one-year-later-el-paso-district-attorney-talks-year-of-change-faces-criticism-amid-resignations/article\\_b82427d6-9d42-11ee-accc-5fcabdb368b1.html](https://www.elpasoinc.com/news/local_news/one-year-later-el-paso-district-attorney-talks-year-of-change-faces-criticism-amid-resignations/article_b82427d6-9d42-11ee-accc-5fcabdb368b1.html)

ARGUMENT/CONCLUSION

We therefore provide notice that Bill Hicks is ineligible to participate in this case and represent the interests of the 34th Judicial District as a respondent. He, along with his

attorney, Francisco Ortega, should have notified all parties and the court of this conflict. Please note there is an open criminal investigation on this matter.

Respectfully submitted,

*/s/ Robert B Halliday III*

Robert and Patricia Halliday  
(Parents of Richard K. Halliday, Fort Bliss whistleblower and the Vanessa Guillen First Absent Soldier)

AMICUS CURIAE

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this amicus curiae brief and Exhibit A has been served on all known email addresses of relevant parties on April 13, 2024.